

Kenneth J. LuKacher, Attorney at Law
South Winton Court
3136 Winton Road South, Suite 204
Rochester, New York 14623-2928

Fax Cover Sheet

FAX RECEIVED
AUG 04 2003
GROUP 3700

DATE: August 4, 2003

TO: Examiner Ahmed M. Farah

PHONE: (703) 305-5787

USPTO (Art Unit 3739)

FAX: (703) 746-3368

(703) 872-9302

FROM: Kenneth J. LuKacher

PHONE: (585) 424-2670

FAX: (585) 424-6196

RE: U.S. Patent Application Serial No. 09/579,599 (Confirmation No. 8050)

Our Ref: ML-0362C2

Number of pages including cover sheet: 21

Message

Please see the attached.

1) Timely Filed Amendment and Explanatory Cover Letter originally transmitted on April 29, 2003; and

2) Request for Continued Examination with Fifth Supplemental Information Disclosure Statement.

This communication is confidential. If this communication has not been received by the intended recipient, please contact Ken LuKacher at (585) 424-2670.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

Applicant(s): James M. Zavislan et al.

Serial No.: 09/579,599

Filed: May 26, 2000

For: MICROSCOPIC IMAGING APPARATUS AND METHOD

Examiner: A. Farah

Art Unit: 3739

Atty Docket: ML-0362C2

#19
FAX RECEIVED
AUG 04 2003
GROUP 3700LETTER SUBMITTING DUPLICATE COPY OF TIMELY FILED AMENDMENTCommissioner of Patents
Washington, D.C. 20231


Dear Sir:

Applicants request that the Notice of Abandonment dated April 23, 2003 in the above-identified application be withdrawn. Attached is a copy of a timely filed Amendment which was mailed to the Patent Office via Express Mail on December 30, 2002 with a petition for a three-month extension of time in response to the Office Action dated July 2, 2002 for the above-identified application. A copy of the Certificate of Mailing, Express Mail receipt, and acknowledgment postcard is enclosed.

Please call the undersigned attorney of record if there are any questions regarding this matter.

Respectfully submitted,

Dated: April 29, 2003


Kenneth J. LuKacher
Attorney for Applicant(s)
Registration No. 38,539South Winton Court
3136 Winton Road South, Suite 204
Rochester, New York 14623
Telephone: (585) 424-2670
Facsimile: (585) 424-6196

COPY

Please acknowledge receipt of the following documents by stamping date received on this card and returning it.

Applicants: Zavislan et al.


Serial No: 09/579,599



- Amendment with attached Appendix;
- Terminal Disclaimer;
- Combined Amendment Transmittal Letter and Petition for Extension of Time (in duplicate);
- Certificate of Mailing by Express Mail, Express Mail No. EV 104334775 US.

Mailed: 12/30/2002

Atty Docket: ML-0362C2

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)			Docket No. ML-0362C2
Applicant(s): James M. Zavislan et al.			
Serial No. 09/579,599	Filing Date 05/26/2000	Examiner Ahmed M. Farah	Group Art Unit 3739
Invention: MICROSCOPIC IMAGING APPARATUS AND METHOD (AS AMENDED)			COPY
<p>I hereby certify that the following correspondence:</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;">AMENDMENT WITH ATTACHED APPENDIX, TERMINAL DISCLAIMER, AND COMBINED AMENDMENT TRANSMITTAL LETTER AND PETITION FOR EXTENSION OF TIME</div> <p style="text-align: center;"><i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on</p> <p style="text-align: center;"><u>DECEMBER 30, 2002</u> <i>(Date)</i></p> <div style="text-align: right; margin-top: 20px;"><div style="margin-bottom: 5px;">Tammy S. Moynihan <i>(Typed or Printed Name of Person Mailing Correspondence)</i></div><div style="margin-bottom: 5px;"> <i>(Signature of Person Mailing Correspondence)</i></div><div>EV 104334775 US <i>("Express Mail" Mailing Label Number)</i></div></div> <div style="text-align: center; margin-top: 20px; font-size: 1.2em; font-weight: bold;">EV104334775US</div>			
<p>Note: Each paper must have its own certificate of mailing.</p>			

2255 4465

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF
TIME UNDER 37 CFR 1.136(a) (Small Entity)**Docket No.
ML-0362C2

In Re Application Of: James M. Zavislan et al.

COPYSerial No.
09/579,599Filing Date
05/26/2000Examiner
Ahmed M. FarahGroup Art Unit
3739Invention: **MICROSCOPIC IMAGING APPARATUS AND METHOD (AS AMENDED)****TO THE ASSISTANT COMMISSIONER FOR PATENTS:**

This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of 07/02/2002 in the above-identified application.

Date

The requested extension is as follows (check time period desired):

☐ One month ☐ Two months ☒ Three months ☐ Four months ☐ Five months

from: 10/02/2002 until: 01/02/2003

Date *Date*

A verified statement of small entity status as a small entity under 37 CFR 1.27:

- ☐ is enclosed.
- ☒ has already been filed in this application.

The fee for the amendment and extension of time has been calculated as shown below:

CLAIMS AS AMENDED

	CLAIMS REMAINING	HIGHEST #	NUMBER EXTRA	RATE	ADDITIONAL
	PREV. PAID FOR	CLAIMS PRESENT			FEE
11/17/2003 LFULTON 00000002 501101 09578599 01 FC:2014 TOTAL CLAIMS DA 463.00 DA 02 FC:2253 INDEP. CLAIMS	21 -	20 =	1	x \$9.00	\$9.00
	4 -	3 =	1	x \$42.00	\$42.00
FEE FOR AMENDMENT					\$51.00
FEE FOR EXTENSION OF TIME					\$460.00
TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME					\$511.00

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF
TIME UNDER 37 CFR 1.136(a) (Small Entity)**Docket No.
ML-0362C2

The fee for the amendment and extension of time is to be paid as follows:

- ☐ A check in the amount of _____ for the amendment and extension of time is enclosed.
- ☒ Please charge Deposit Account No. 50-1101 in the amount of \$511.00
A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1101
A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 50-1101. A duplicate copy of this sheet is enclosed.


Signature

Dated: December 30, 2002

Kenneth J. LuKacher
Attorney for Applicants
Registration No. 38,539
South Winton Court
3136 Winton Road South, Suite 204
Rochester, New York 14623
Telephone: 585-424-2670
Facsimile: 585-424-6196

KJL/tsm

cc:

I certify that this document and fee is being deposited
on _____ with the U.S. Postal Service as
first class mail under 37 C.F.R. 1.8 and is addressed to the
Assistant Commissioner for Patents, Washington, D.C.
20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence